

Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ NOVEMBER 1999 ★

★ REGIONS VI & VII ★

*Environmental Legislative Actions, Proposed Rules, Final Rules, Emergency Rules, and Judicial Decisions
for the States in Federal Regions VI and VII.*

ASSISTANCE/GUIDANCE INFORMATION

1999 Hazardous Waste Forms Now Available. Forms for reporting hazardous waste handled by facilities in 1999 are now available from U.S. EPA. The EPA deadline is 1 March 2000. The reporting forms and instructions, along with information on which state or U.S. EPA regional contacts should receive the completed information, are available on the World Wide Web at <http://www.epa.gov/epaoswer/hazwaste/data/brs99/forms.htm>. While RCRA only requires biennial reporting of wastes handled, some states require annual reporting. Hazardous waste facilities should contact state officials to see if they are subject to the annual reporting requirements.

New Chemical Safety Information Guidance. New guidance is available concerning the public meeting and notification requirement enacted under the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Public Law 106-40). Among other things, this new law requires facilities submitting Risk Management Plans (RMPs) to announce and hold a public meeting by 1 February 2000, and to certify to the Federal Bureau of Investigation that this requirement has been completed. Public Law 106-40 also requires facilities that make the Offsite Consequence Analysis portion of their RMP available to the public without restriction, to notify U.S. EPA. The new guidance, entitled "Chemical Safety Information, Site Security and Fuels Regulatory Relief Act: Public Meetings and Other Notifications," discusses these requirements and provides sample certification/notification forms. It can be downloaded from the Internet at <http://www.epa.gov/ceppo/whatnew.html>.

Resource Conservation and Recovery Act (RCRA) Hazardous Waste Report. U.S. EPA recently released its National Biennial RCRA Hazardous Waste Report based on 1997 data regarding the generation, management and final disposition of hazardous waste regulated under RCRA. In this year's report, U.S. EPA streamlined the federal data collection forms for the 1997 reporting cycle and changed the reporting requirements for wastewaters, which are regulated under the Clean Water Act (CWA). Due to these changes, cursory comparisons of the 1997 National Biennial Report to earlier National Reports could produce misleading results. According to U.S. EPA, an accurate picture of the change in national hazardous waste generation between 1995 and 1997 is an increase of 4.4 million

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tons or 11 percent. States that contributed most to the national hazardous waste generation total in 1997 were **Texas** (19 million tons), **Louisiana** (4.6 million tons), Illinois (2.2 million tons), Ohio (1.7 million tons), and Mississippi (1.7 million tons). Together, the large quantity generators in these states accounted for 72 percent of the national quantity generated. The "National Biennial RCRA Hazardous Waste Report: Based on 1997 Data" is available on the Internet at <http://www.epa.gov/epaoswer/hazwaste/data/#brs>. To order printed copies, contact the National Technical Information Service (NTIS) at (703) 487-4650 after 15 November 1999.

Reorganization of the U. S. Army Materiel Command (USAMC) Installations and Services Activity (I&SA). Effective 1 August, 1999, the USAMC I&SA has been reorganized to include the following changes:

- Reduction from 4 to 3 divisions, renaming the Equipment Management Division (AMXEN-E) the Installation Logistics Division (AMXEN-L) (which consists of all the people from AMXEN-E and all of the supply and ADP personnel from AMXEN-S), and eliminating the Supply and Services Division (AMXEN-S).
- Relocation of the food service function from AMXEN-S to the Facilities Engineering Division (AMXEN-C) and resource management and administrative functions from AMXEN-S to the Acting Director's Office (AMXEN).
- Transfer of the following functions from the HQ, USAMC Deputy Chief of Staff for Engineering, Housing, Environment, and Installation Logistics (DCSEHE&IL) to the Environmental Division: Environmental Program Requirements, Environmental Quality Report, Solid Waste Reporting System, Pollution Prevention (technical review of plans/projects), Cultural Resources, and Pest Management.

Additional details of the reorganization are available on the USAMC I&SA web site at <http://ri-app-nt2.ria.army.mil/isa/default.htm>. For further information contact: Mr. Cole; AMXEN; DSN 7793-4531; or Ms. Swift; AMXEN; DSN 793-5536.

TRAINING INFORMATION

U.S. EPA Region VI -- Environmental Response Training Program (ERTP). U.S. EPA Region VI will be offering the following upcoming environmental response training courses:

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| • Risk Assessment Guidance for Superfund | 30 November-3 December 1999 |
| • Sampling for Hazardous Materials | 4-6 January 2000 |
| • Hazardous Materials Incident Response Operations | 24-28 January 2000 |
| • Chemical Accident Prevention Auditing | 1-3 February 2000 |

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org>. To register for a class or for more information on courses offered by U.S. EPA Region VI, contact: Keith Reddick; U.S. EPA Region VI; (214) 665-8338; fax (214) 665-7447; e-mail: redrick.keith@epamail.epa.gov.

U.S. EPA Region VII -- ERTP. U.S. EPA Region VII will be offering the following upcoming environmental response training courses:

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| • Hazardous Materials Incident Response Operations | 29 November-3 December 1999 |
| • Air Monitoring for Hazardous Materials | 10-14 January 2000 |
| • Introductory Preliminary Assessment Training | 8-9 February 2000 |
| • Introductory Site Inspection Training | 10-11 February 2000 |
| • Risk Assessment Guidance for Superfund | 15-18 February 2000 |
| • Environmental Remediation Technologies | 29 February-2 March 2000 |

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org>. To get a list of all training opportunities currently available through U.S. EPA Region VII, or for more information on classes, contact: Evelyn VanGoethem; U.S. EPA Region VII; (913) 551-7659; fax (913) 551-7145; e-mail: vangoethem.evelyn@epa.gov. To register for a class contact: Training Registrar; (513) 251-7776 or (513) 251-7669; fax (513) 251-4137; e-mail: embryk@ttnus.com.

Environmental, Health and Safety (EH&S) Audits Course. Government Institutes (GI) will be offering an environmental, health and safety audits course, "Strategies, Programs and Processes: The How-To's of EH&S Auditing," on **15-17 November 1999** at the Williamsburg Hospitality House in Williamsburg, Virginia. The course will include discussions on: how to design and develop an effective and efficient auditing program, current legal and regulatory requirements for doing audits, what management systems and other tools are needed for an audit, how to write effective reports and conduct successful interviews, the tricks (and traps) to look out for during field evaluations, how to assemble and train your audit team, case studies of successful (and not-so-successful) audit programs in other organizations, and more. For further information contact: GI; (301) 921-2345; fax (301) 921-0373.

CONFERENCES and SEMINARS

NOVEMBER 1999

1999 Theis Conference. The 1999 Theis Conference, "Remediation of Subsurface Contaminants: The Meaning and Measures of Success," will be presented **12-15 November 1999** at Amelia Island, Florida. The conference is sponsored by the National Ground Water Association (NGWA)/Association of Ground Water Scientists and Engineers (AGWSE). The Theis conference series was established by the AGWSE in 1993 as an important effort in the promotion of hydrogeology. The 1999 conference program will include presentations by invited speakers and interactive discussion sessions surrounding three major themes:

- *Defining and Rationalizing Goals for Success*—The role of science in identifying reasonably attainable goals in the broader discussion of cost versus benefit.
- *Measuring Success*—Approaches and methods of assessing success in the application of subsurface remediation technologies and realistic prognosis for predicting performance.
- *Communicating Success*—An exploration of the ways the results of research and "real-site" technology applications are communicated to the scientific community, industry, and the public.

Conference information is available on the Internet at <http://www.ngwa.org/education/theis.html>. For further information contact: NGWA; (614) 898-7791; toll free (800) 551-7379; fax (614) 898-7786; e-mail: ngwa@ngwa.org.

1999 DoD Maintenance Symposium. The 1999 DoD Maintenance Symposium and Exhibition will be held **15-18 November 1999** at the Regal Riverfront Hotel in St. Louis, Missouri. The theme for this year's symposium, which is co-sponsored by the National Defense Industrial Association (NDIA), is "Transforming Maintenance with Technology." This third annual conference is the single opportunity for the entire DoD maintenance community to come together to share information and focus on weapons system and equipment maintenance. Maintenance managers, both military and civilian, from all ranks and Services will be in attendance. They represent the full range of DoD's maintenance operations, including depots, operating commands and units, and research and development activities, along with their commercial industry counterparts. Senior Defense officials and congressional representatives will also attend and participate in the conference. In addition, the DoD Maintenance Awards will be presented to outstanding maintenance units at a special awards banquet held during the symposium. For more information contact: Angie De Kleine; NDIA; fax (703) 522-1885; e-mail: adekleine@ndia.org.

Wetlands and Remediation: An International Conference. Battelle, a not-for profit organization engaged in technology development, will host an international wetlands remediation conference on **16-17 November 1999** at the Hilton Hotel in Salt Lake City, Utah. The conference will be co-sponsored by DoD's Environmental Security Technology Certification Program (ESTCP) and Strategic Environmental Research and Development Program (SERDP), Parsons Engineering Science, Inc., and NAVFAC, the Navy's integrated natural resources program. The scope of the conference will encompass both the treatment and remediation of contaminated wetlands and the use of wetlands to treat and remediate contaminated water and wastewater. The conference objective is to bring together site managers, scientists, engineers, and regulators involved in this field to help lay the foundation for future progress. Several hundred environmental professionals are expected to attend, and a number of organizations will exhibit their environmental remediation products and services. The technical program will consist of more than 100 platform and poster presentations. For further information contact: The Conference Group; (800) 783-6338 or (614) 424-5461; fax (614) 488-5747; e-mail: conferencegroup@compuserve.com.

1999 National Pollution Prevention Roundtable (NPPR) Annual Fall Workgroup Conference. The NPPR's fourth annual Fall Workgroup Conference will take place **17-19 November 1999** at the La Fonda Hotel in Santa Fe, New Mexico. The workgroup conference offers NPPR members the opportunity to formulate strategies and address P2 challenges within intimate and interactive sessions, including three plenary sessions and ample breakout time. The Thursday morning plenary will focus on where the P2 movement is headed, and as in years past, the conference will conclude with an information sharing from workgroups on their activities and from the NPPR Board outlining its plans for the coming year. The NPPR is the largest membership association in the United States dedicated solely to the reduction of pollutants at the source. For further information contact: NPPR; (202) 466-3908.

Technical Symposium and Workshop. SERDP and ESTCP will sponsor the Technical Symposium and Workshop, which will be held **30 November—2 December 1999** at the Hyatt Regency Crystal City Hotel in Arlington, Virginia. The symposium will provide the opportunity for networking with more than 500 expected attendees, most notably, leading researchers, regulators, and technology end-users from the environmental community, including government, academia, and private industry. This year's technical program will feature comprehensive sessions that will address cleanup technologies to mitigate the current and future impacts of past activities through remediation; compliance technologies to reduce the impact of current activities; conservation

technologies to preserve natural resources while sustaining military operations; and pollution prevention technologies to reduce or eliminate environmental impacts in defense manufacturing through substitution, recycling, and resource conservation. For updated symposium information, visit the SERDP web site at <http://www.serdp.org> or the ESTCP web site at <http://www.estcp.org>, or call (703) 736-4548.

DECEMBER 1999

Brownfields '99 – Alliances for 21st Century Livability – Environmental Challenges and Solutions! This year's Brownfields conference will be held **6-8 December 1999** at the Adam's Mark Hotel in Dallas, Texas. Brownfields '99 will pull stakeholders together under one roof. The conference is open to federal, state, and local government officials; local communities; developers; bankers; neighborhood residents; realtors; investors; nonprofits and foundations; insurers; business leaders; environmental consultants; educational leaders; lawyers; lenders; high tech businesses and contractors of all types; tribal officials; researchers; and workforce development specialists, and all others who are interested in the cleanup and redevelopment of brownfields properties. Panels and sessions will be organized around four basic themes: assessment and cleanup strategies that serve as foundations for your successful brownfields reuse; financing mechanisms and tools to help fuel your brownfields redevelopment; new and emerging legal and policy issues; and redevelopment experiences and lessons learned on the road to reuse. Sessions at this year's conference will be divided into three knowledge and experience levels. Conference attendees may register online using the Online Registration form found at <http://www.epa.gov/brownfields>. Additional information is available from the Brownfields '99 Hotline at 1(877) 343-5364.

4th Annual Joint Services P2/Hazardous Waste Management (HWM) Conference & Exhibition. The Fourth Annual Joint Services P2 Conference and Exhibition, "Environmental Stewardship for the Next Millennium," will be held **6-9 December 1999** in San Antonio, Texas. This year's event, which is being expanded to include HWM, will provide an open forum for exchanging ideas, success stories, case histories and technologies. The conference will cross federal, academia and industry boundary lines—opening channels for a combined effort to implement the essential P2/HWM objectives. The Joint Services Conference will be hosted by the Headquarters Air Force Center for Environmental Excellence, Brooks Air Force Base, Texas. Additional information on the conference is available on the Internet at <http://www.ndia.org/events/brochure/040/040.htm>.

MAY 2000

2000 Real World Air Conference. The U.S. Army Forces Command (FORSCOM) and the U.S. Army Center for Health Promotion and Preventive Medicine (CHPPM) are partnering to conduct the second Real World Air Conference on **15-18 May 2000** at the Sheraton Atlanta Hotel in Atlanta, Georgia. The conference is intended to address current air pollution issues affecting federal facilities. Potential technical session topics include pollution prevention, particulate matter (both PM10 and PM2.5), National Emission Standards for Hazardous Air Pollutants (NESHAPs), regional pollutant transport, ozone depleting chemicals, sampling methods, open burning/open detonation, the Emergency Planning and Community Right-to-Know Act (EPCRA), air pollution health issues, legal issues, ISO 14000, and GIS applications. Conference information and online registration are available on the Internet at <http://chppm-www.apgea.army.mil/air/airconf/confhome.htm>. For further information contact: Ilani Donley, Conference Coordinator; (410) 436-81138; e-mail: ilani.donley@apg.amedd.army.mil; Rochelle Williams; FORSCOM; (404) 464-7695; e-mail: williaro@FORSCOM.army.mil; or Sherri Hutchens; CHPPM; (410) 436-8149; e-mail: sherri.hutchens@apg.amedd.army.mil.

FEDERAL ACTIONS

LEGISLATIVE ACTIVITY

Defense Appropriations Act—Restriction on Fines. With the recent signing of the DoD Appropriations Act (Public Law 106-79), Congress added a new Section 8149 that states the following:

"None of the funds appropriated in the Act may be used for the payment of a fine or penalty that is imposed against the Department of Defense or a military department arising from an environmental violation at a military installation or facility unless the payment of the fine or penalty has been specifically authorized by law. For purposes of this section, expenditure of funds to carry out a supplemental environmental project that is required to be carried out as part of such a penalty shall be considered to be a payment of the penalty."

(CREO Comment: Section 8149 does NOT exempt DoD from paying fines on supplemental environmental projects. It simply requires that, before payment, DoD components must seek specific approval from Congress through existing chains of command. The Army position is that we (the Army) didn't ask for this

legislation and we will continue to comply. We expect specific Army guidance to be distributed on this matter soon.)

REGULATORY ACTIVITY -- U.S. ENVIRONMENTAL PROTECTION AGENCY

U.S. EPA Final Rule: Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems (64 FR 50555). The Safe Drinking Water Act (SDWA) requires U.S. EPA to establish criteria for a program to monitor unregulated contaminants and, by 6 August 1999, to publish a list of contaminants to be monitored. In this action, U.S. EPA is promulgating the Unregulated Contaminant Monitoring Regulation for Public Water Systems (PWSs), which revises substantially the existing regulations for unregulated contaminant monitoring. This final rule includes a list of contaminants to be monitored, procedures for selecting a representative nationwide sample of small PWSs that will be required to monitor, the frequency and schedule for monitoring, the sampling points, the approved analytical methods to be used, and procedures for entering the monitoring data in the National Drinking Water Contaminant Occurrence Database. The data in the database will be used to identify contaminants on the Drinking Water Contaminant Candidate List to support the Administrator's determination of whether or not to develop drinking water standards for a particular contaminant, and to develop standards for the contaminants that the Administrator selects. The final rule is effective 1 January 2001. *For further information contact: Charles Job; U.S. EPA, Office of Ground Water and Drinking Water; (202) 260-7084.*

U.S. EPA Final Rule: NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (64 FR 52827). U.S. EPA is promulgating revised standards for hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns. These standards are being promulgated under joint authority of the Clean Air Act (CAA) and RCRA. The standards limit emissions of chlorinated dioxins and furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas, and particulate matter. These standards reflect the performance of Maximum Achievable Control Technologies (MACT), as specified by the CAA. This final rule was effective 30 September 1999. Facilities must be in compliance with these promulgated standards three years following the effective date, or by 30 September 2002. For additional information on the Hazardous Waste Combustion MACT rulemaking and to access available electronic documents, visit U.S. EPA's web site at <http://www.epa.gov/hwcmact>. *For further information contact: David Hockey; U.S. EPA; (703) 308-8846.*

U.S. EPA Proposed Rule: Air Quality: Revision to Definition of Volatile Organic Compounds (VOCs)—Exclusion of t-Butyl Acetate (64 FR 52731). U.S. EPA is proposing to revise its definition of VOCs for purposes of federal regulations related to attaining the national ambient air quality standards (NAAQSs) for ozone under Title I of the CAA. This proposed revision would add t-butyl acetate (also known as tertiary butyl acetate or informally as TBAC or TBaC) to the list of compounds excluded from the definition of VOC on the basis that this compound has negligible contribution to tropospheric ozone formation. As a result, if you are subject to certain federal regulations limiting emissions of VOCs, your emissions of TBaC may not be regulated for some purposes. Comments on this proposal must be submitted to U.S. EPA by 29 November 1999. *For further information contact: William Johnson; U.S. EPA, Office of Air Quality Planning and Standards; (919) 541-5245.*

U.S. EPA Proposed Rule: Proposed Revisions to the Water Quality Planning and Management Regulation, and Revisions to the National Pollutant Discharge Elimination System (NPDES) Program and Federal Antidegradation Policy in Support of Proposed Revisions to the Water Quality Planning and Management Regulation (64 FR 53304). On 23 August 1999, U.S. EPA issued two proposed rules to revise, clarify and strengthen the current regulatory requirements for identifying impaired waters and establishing Total Maximum Daily Loads (TMDLs) under the CWA; revisions to the Water Quality Planning and Management Regulation (64 FR 46012); and revisions to the NPDES Program and Federal Antidegradation Policy (64 FR 46058) in support of the revisions at 64 FR 46012. U.S. EPA sought comment on both sets of proposed rules by 22 October 1999. It is U.S. EPA's intent to provide the public and all stakeholders an adequate period of time to fully analyze the issues and prepare comprehensive comments. Therefore, U.S. EPA is extending the comment period an additional 60 days for a total comment period of 120 days. Comments on these proposals must now be submitted on or before 22 December 1999. *For further information contact: Hazel Groman (TMDL rule); U.S. EPA, Office of Wetlands, Oceans and Watersheds; (202) 260-4078; Kim Kramer (NPDES provisions); U.S. EPA, Office of Wastewater Management; (202) 260-8541; e-mail: kramer.kim@epa.gov; or Susan Gilbertson (water quality standards provisions); U.S. EPA, Office of Science and Technology; (202) 260-7301; e-mail: gilbertson.sue@epa.gov.*

U.S. EPA Notice: Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities; Partial Withdrawal of Rulemaking Proposal (64 FR 54604). U.S. EPA is announcing its decision to withdraw most provisions of the Notice of Proposed Rulemaking for corrective action for solid waste management units at hazardous waste management facilities (also known as the 1990 Subpart S proposal) published on 27 July

1990. The only exceptions to this decision relate to two jurisdictional issues and those elements of the proposed rule that were promulgated as a final rule on 16 February 1993. The jurisdictional issues relate to the definition of "facility" for corrective action purposes and the question of who is responsible for corrective action when there is a transfer of facility property. *For further information contact: Barbara Foster; U.S. EPA, Office of Solid Waste; (703) 308-7057.*

U.S. EPA Notice: NESHAPs; Halogenated Solvent Cleaning; Withdrawal of Direct Final Rule (64 FR 56173). Due to receipt of adverse comments, U.S. EPA is withdrawing a 19 August 1999 direct final rule (64 FR 45187), which would have amended the "National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning." The direct final rule would have provided additional compliance options for continuous web cleaning machines, as well as clarifications that apply to steam-heated vapor cleaning machines and to cleaning machines used to clean transformers. The withdrawal of the direct final rule was effective 18 October 1999. *For further information contact: Paul Almodovar; U.S. EPA, Emission Standards Division; (919) 541-0283; e-mail: almodovar.paul@epa.gov.*

REGULATORY ACTIVITY -- U.S. FISH AND WILDLIFE SERVICE (USFWS)

USFWS Final Rule: Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Plant *Helianthus Paradoxum* (Pecos Sunflower) (64 FR 56581). The USFWS has determined the Pecos sunflower to be a threatened species under the authority of the Endangered Species Act (ESA). This species is dependent on desert wetlands for its survival. It is known from 22 sites in Chavez, Cibola, Guadalupe, and Valencia Counties, **New Mexico**, and from 3 sites in Pecos and Reeves Counties, **Texas**. Threats to this species include drying of wetlands from groundwater depletion, alteration of wetlands (e.g., wetland fills, draining, impoundment construction), mowing, and highway maintenance. This rule implements the federal protection and recovery programs of the ESA for this plant. The rule is effective 19 November 1999. *For further information contact: Charlie McDonald, botanist; USFWS, New Mexico Ecological Services Field Office; (505) 346-2525; fax (505) 346-2542. (Editor's Note: There are no Army installations in Texas affected by this final rule; however, Roswell/OMS 1 (ARNG) in New Mexico could be impacted, as the Pecos sunflower is known from Dexter to just north of Roswell.)*

USFWS Final Rule: Endangered and Threatened Wildlife and Plants; Final Rule to List the Devils River Minnow as Threatened (64 FR 56596). The USFWS has determined the Devils River minnow (*Dionda diaboli*) to be a threatened species under the authority of the ESA. The Devils River minnow is a small fish with a known distribution limited to three locations in Val Verde and Kinney Counties, Texas, and one drainage in Mexico. The species' range is significantly reduced and fragmented due to habitat loss from dam construction, spring dewatering, and other stream modifications. This action will implement federal protection provided by the ESA. This final rule is effective 19 November 1999. *For further information contact: Nathan Allan, Fish and Wildlife Biologist; USFWS, Austin Ecological Services Field Office; (512) 490-0057; fax (512) 490-0974. (Editor's Note: There is no anticipated impact to Army installations, as there are no installations in Val Verde or Kinney Counties.)*

KEY ENVIRONMENTAL COMPLIANCE DATES

14 Nov	Deadline for producers and importers of Class I controlled substances to submit a report to U.S. EPA containing the information described under 40 CFR 82.13(f)(3)(i)-(xiii) or (g)(3)(i)-(xiii), respectively, for the third quarter of the 1999 control period.	CAA: 40 CFR 82.13(c), 82.13(f)(3)(i)-(xiii), and 82.13(g)(3)(i)-(xiii)	57 FR 33784; 7/30/92 as amended by 58 FR 65072; 12/10/93 and 60 FR 25000; 5/10/95
14 Nov	Deadline for producers and importers of Class II controlled substances to submit a report to U.S. EPA providing information on the production, imports, and exports of such chemicals during the previous quarter.	CAA: 40 CFR 82.13(n)	57 FR 33785; 7/30/92 as amended by 58 FR 65074; 12/10/93 and 60 FR 25002; 5/10/95
30 Nov	Deadline for refiners, importers, and oxygenate blenders of reformulated gasoline or reformulated gasoline blendstock to submit a report to U.S. EPA containing the information described under 40 CFR 80.75(a)-(c), 80.75(n), and 80.83(g)(1). Note: Renewable oxygenate provisions are stayed indefinitely pending a federal court review. See 50 FR 60715; 11/28/94.	CAA: 40 CFR 80.75(a)(1)(iii), 80.75(b)(1)-(2), 80.75(c)(1)-(2), and 80.83(g)(1)	59 FR 7757; 2/16/94 as amended by 60 FR 65574; 12/20/94

REGION VI STATE ACTIVITY

ARKANSAS

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2001.)

STATE FINAL RULES

Regulated Storage Tank Program (23 ARR 13). Final rule of the Arkansas Department of Pollution Control and Ecology (ADPCE) amends regulations under Regulation No. 12 governing the regulated storage tank program. The rule clarifies registration requirements for underground storage tanks and certification of the storage tank registration program; incorporates by reference changes to federal standards for underground storage tanks; and decreases the deductible amount for Petroleum Storage Tank Trust Fund Act eligibility from \$25,000 to \$15,000 for corrective action and third-party coverage by the fund. The rule also adds a provision for appeal of decisions by the department involving fund eligibility or reimbursement issues; provides bonding requirements for the licensing of underground storage tank installers and service personnel; and clarifies audit provisions and the license appeals process. The rule was effective 17 July 1999. *For further information contact: Jennifer Horton; ADPCE; (501) 682-0883.*

STATE PROPOSED RULES

Denial of Environmental Permits. Proposed rule of the Arkansas Pollution Control and Ecology Commission would amend regulations under Regulation No. 8 to establish criteria for denial of environmental permits to applicants who have a history of violation of environmental laws or regulations in the previous 10 years and who fail to properly disclose their compliance history. The proposal also would provide a provision for reconsideration of any permit denial based on an applicant's previous history of compliance. *For further information contact: Doug Szenher; Arkansas Department of Environmental Quality (ADEQ); (501) 682-0915. (Region VI Army REC Comment: This proposed rule, if passed, has the potential to significantly affect mission capability of Army installations/facilities in Arkansas. This proposed rule covers any permit in any environmental media area.)*

Medical Waste. Proposed rule would amend regulations of the Arkansas Department of Health (ADH) to revise requirements for the management of medical waste from generators and health care-related facilities. *For further information contact: ADH, Medical Waste Program; (501) 661-2197.*

(NOTE: General information regarding the ADEQ and its various programs, including access to draft and final regulations, is available on the Department's web site at <http://www.adeq.state.ar.us>.)

LOUISIANA

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Next regular session begins in April 2000.)

STATE FINAL RULES

Emission Reduction Credits Banking (25 LAR 1622-3). Final rule of the Louisiana Department of Environmental Quality (LDEQ), Office of Air Quality and Radiation Protection, amends regulations under 33 LAC III.603, .605, .607, .613, .615, and .621 regarding the banking of emission reduction credits. The rule accommodates ozone nonattainment classifications resulting from U.S. EPA NAAQSs promulgated 18 July 1998. The rule also corrects the date on which emission credits begin and clarifies the use of emission credits having a 10-year life. The rule was effective 20 September 1999. *For further information contact: Patsy Deaville; Investigations and Regulation Development Division; (225) 765-0399.*

STATE PROPOSED RULES

Air Quality Control Fees (25 LAR 1676-80). Proposed rule of the LDEQ, Office of Environmental Assessment (OEA), would amend regulations under 33 LAC III.207, .209, .211, and .223 regarding air quality control fees. The proposal would incorporate into the fee schedule industry categories for which fees have been established previously under negotiated procedures. The proposal also would clarify provisions. *For further information contact: Patsy Deaville; LDEQ, Regulation Development Section (RDS); (225) 765-0399.*

Civil Penalties (25 LAR 1683-4). Proposed rule of the LDEQ, OEA, would amend regulations under 33 LAC 1.705 to increase the civil penalty maximum daily cap from \$25,000 to \$27,500 for violation of environmental law. *For further information contact: Patsy Deaville; LDEQ, RDS; (225) 765-0399.*

Underground Storage Tank Late Fees (25 LAR 1684-5). Proposed rule of the LDEQ, OEA, would amend regulations under 33 LAC XI.307 to incorporate underground storage tank late fees that were established previously by statute. *For further information contact: Patsy Deaville; LDEQ, RDS; (225) 765-0399.*

STATE NOTICES

Clean-Fuel Fleet Program (25 LAR 1772). Notice announces the intention of the LDEQ, OEA, to repeal the state clean-fuel fleet program following U.S. EPA's 19 July 1999 approval of the repeal and of the substitution of equivalent surplus emission reduction credits. The notice also announces that the substitution will be applicable in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge. *For further information contact: LDEQ; (225) 763-5423.*

(NOTE: Current regulatory information from the LDEQ, including notices of intent, emergency rules, and final rules, can be found on LDEQ's web site at <http://www.deq.state.la.us>. Click on "Rules and Regulations" and "Additions to the Louisiana Register.")

NEW MEXICO

Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Final Rule: Approval and Promulgation of Air Quality Implementation Plans; New Mexico Update to Materials Incorporated by Reference (64 FR 51691). U.S. EPA is updating the materials submitted by New Mexico that are incorporated by reference into the State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the state agency and approved by U.S. EPA. This update affects the SIP materials that are available for public inspection at the Office of the Federal Register, the Air and Radiation Docket and Information Center in Washington, D.C., and the U.S. EPA Region VI office in Dallas, Texas. This action was effective 24 September 1999. *For further information contact: Paul Scoggins; U.S. EPA Region VI; (214) 665-7354.*

U.S. Forest Service Notice: Amendment of Land and Resource Management Plans in the Southwestern Region (64 FR 52274). The Southwestern Region of the Forest Service is preparing an environmental impact statement (EIS) on a proposal to amend National Forest land and resource management plans to incorporate standards and guidelines for management of habitat for American peregrine falcon, Little Colorado River spinedace, loach minnow, spikedace, Apache trout, Chihuahua chub, Gila trout, Gila top minnow, razorback sucker, southwest willow flycatcher, cactus ferruginous pygmy owl, Sonora tiger salamander, New Mexico ridgenose rattlesnake, and Pima pineapple cactus. The amendment would add new standards and guidelines that are intended to strengthen and clarify existing direction for the protection of these species. The amendment would apply to all subsequent project-level resource management decisions that involve site-specific environmental analysis and appropriate public involvement. The draft EIS is expected to be available in December 1999 and a final EIS should be available by March 2000. *For further information contact: Director of Ecosystem Analysis and Planning; (505) 842-3251.*

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE PROPOSED RULES

Pesticide Use in Surface Waters (10 NMR 690-1). Proposed rule of the Water Quality Control Commission (WQCC) would amend regulations under 20 NMAC 6.1 concerning standards for interstate and intrastate streams. The proposal would revise the general standard for toxic substances to establish procedures for the approval of pesticide use in surface waters. *For further information contact: Steven Pierce; WQCC; (505) 827-2800.*

Permits (10 NMR 691). Proposed rule of the Environmental Improvement Board (EIB) would amend regulations under 20 NMAC 2.72, .74, and .79 regarding construction permits, permits for the prevention of significant deterioration, and permits for nonattainment areas. The proposal would change the deadlines for final actions on construction permit applications, allow limited extensions to the permit action deadlines, and set forth required contents of a permit. The proposal also would reduce the time allowed for the board to hold a hearing in appeal of permitting actions and revise procedures for processing permit applications. A hearing is scheduled for 11 November 1999 in Albuquerque. Comments are due 11 November 1999. *For further information contact: EIB; (505) 827-2425.*

(NOTE: General information regarding the New Mexico Environment Department (NMED) and its various programs, including regulations and permitting, is available on NMED's web site at <http://www.nmenv.state.nm.us/frhome.html>.)

OKLAHOMA

Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Delegation of Authority: Standards of Performance for New Stationary Sources (NSPSs); Supplemental Delegation of Authority to the State of Oklahoma (64 FR 57392). U.S. EPA has approved the updated delegation of authority to the state of Oklahoma for implementation and enforcement of NSPSs. This action is in response to a request from the Oklahoma Department of Environmental Quality (ODEQ). On 2 November 1998, Oklahoma approved an emergency rule that incorporates by reference U.S. EPA's NSPSs in 40 CFR Part 60. Both emergency and permanent rules incorporating by reference the NSPSs were adopted by the Environmental Quality Board on 15 September 1998 and the permanent rules took effect 1 June 1999. The state adopted all of the NSPSs except Subpart AAA, New Residential Wood Heaters, and those sections that contain authorities reserved by U.S. EPA. The delegation of authority was effective 8 October 1999. For further information contact: Ken Boyce; U.S. EPA Region VI, Air Planning Section; (214) 665-7259.

STATE LEGISLATIVE ACTIVITY (Next regular session begins in February 2000.)

STATE PROPOSED RULES

Waste Management Standards. Proposed rule of the ODEQ would amend regulations under OAC 252:205-5 and -9 concerning generator requirements and treatment, storage, disposal, and recycling standards. The proposal would address waste characterization requirements for off-site hazardous waste facilities and reorganize existing provisions. A hearing was scheduled for 14 October 1999 in Oklahoma City, and a second hearing is scheduled for 16 November 1999 in McAlester. For further information contact: Pamela Green; ODEQ; (405) 702-5172.

Municipal Solid Waste Landfills (16 OKR 3585-6). Proposed rule of the Oklahoma Department of Environmental Quality (ODEQ) would repeal regulations under OAC 252:510 concerning municipal solid waste landfills as part of the re-right/de-wrong process. The proposal would eliminate provisions and relocate other provisions under a proposed new Chapter OAC 252:530 regarding solid waste management Standards. A hearing was scheduled for 21 October 1999 in Stillwater, and a second hearing is scheduled for 16 November 1999 in McAlester. For further information contact: Jon Roberts; ODEQ; (405) 702-5100.

Solid Waste Management (16 OKR 3586-7). Proposed rule of the ODEQ would adopt regulations under a new Chapter OAC 252:530 to set forth revised solid waste management standards. The proposal would combine standards from two chapters governing municipal solid waste landfills (OAC 252:510) and solid waste management (OAC 252:520) that are proposed for repeal. The proposal also would reformat and clarify provisions, delete obsolete requirements, and update references. A hearing was scheduled for 21 October 1999 in Stillwater, and a second hearing is scheduled for 16 November 1999 in McAlester. For further information contact: Jon Roberts; ODEQ; (405) 702-5100.

(NOTE: General information regarding the ODEQ and its various programs, including access to rules and regulations, is available on ODEQ's web site at <http://www.deq.state.ok.us>.)

TEXAS

Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Air Quality Implementation Plans; Texas: Redesignation Request and Maintenance Plan for the Collin County Lead Attainment Area (64 FR 55421/55442). U.S. EPA is approving a request from the Texas Natural Resource Conservation Commission (TNRCC) to redesignate **Collin County**, Texas, to attainment for the lead NAAQSs (submitted to U.S. EPA by the Governor on 31 August 1999). The request was accompanied by a demonstration from TNRCC that continued compliance with the lead NAAQSs can reasonably be expected. The maintenance plan also includes a summary of the measured lead concentrations from 1995-1998, an inventory of the annual lead emissions in the County, the permitted and enforceable conditions responsible for continued compliance with the lead NAAQSs, and contingency measures, should a future violation occur. The direct final rule is effective 13 December 1999, unless adverse comment is received by 12 November 1999. For further information contact: Lt. Mick Cote; U.S. EPA Region VI, Air Planning Section; (214) 665-7219.

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2001.)

STATE FINAL RULES

Texas Risk Reduction Program/Financial Assurance (24 TXR 7413-4). Final rule of the TNRCC adopts regulations under new Sections 30 TAC 37.4001, .4011, and .4021 concerning financial assurance for the Texas Risk Reduction Program. The rule establishes a uniform base of risk-based, performance-oriented technical standards to guide response actions at affected properties regulated by the Office of Waste Management program and other applicable program areas. The rule also defines relevant terms, clarifies applicability, and specifies financial assurance requirements and mechanisms. The rule was effective 23 September 1999. *For further information contact: Clark Talkington; TNRCC, Waste Policy and Regulation Division; (512) 239-6731.*

Spill Response Actions (24 TXR 7415-6). Final rule of the TNRCC amends regulations under 30 TAC 327.5 concerning actions required to respond to spills or discharges of hazardous substances, oil, petroleum product, used oil, industrial waste, and other substances. The rule conforms to provisions adopted concurrently (24 TXR 7436; 09/17/99) under 30 TAC 350 regarding the Texas Risk Reduction Program. The rule was effective 23 September 1999. *For further information contact: Chet Clarke; TNRCC, Remediation Division (RD); (512) 239-0310.*

Underground Injection Control (24 TXR 7416-7). Final rule of the TNRCC adopts regulations under a new Section 30 TAC 331.5 to establish pollution prevention criteria for the underground injection control program. The rule defines the applicability of provisions adopted concurrently (24 TXR 7436; 09/17/99) under 30 TAC 350 regarding the Texas Risk Reduction Program to the unauthorized discharges of chemicals of concern from associated tankage and equipment. The rule was effective 23 September 1999. *For further information contact: Chet Clarke; TNRCC, RD; (512) 239-0310.*

Composting (24 TXR 7417-20). Final rule of the TNRCC amends regulations under 30 TAC 332.4, .23, .37, and .45 concerning composting and beneficial reuse of organic materials. The rule establishes a general standard for corrective action at any compost facility where a chemical of concern is detected and adds references to provisions adopted concurrently (24 TXR 7436; 09/17/99) under 30 TAC 350 regarding the Texas Risk Reduction Program. The rule also adds corrective action requirements to operational requirements for notification, registration, and permit tier facilities. The rule was effective 23 September 1999. *For further information contact: Chet Clarke; TNRCC, RD; (512) 239-0310.*

Petroleum Storage Tank Program (24 TXR 7422-6). Final rule of the TNRCC amends regulations under 30 TAC 334.71, .201, and .503 concerning the petroleum storage tank program to conform to provisions adopted concurrently (24 TXR 7436; 09/17/99) under 30 TAC 350 regarding the Texas Risk Reduction Program. The rule clarifies and adds references to corrective action requirements for all releases from underground and aboveground storage tanks that are reported on or after 1 September 2001, and revises requirements for reuse of petroleum-substance waste. The rule was effective 23 September 1999. *For further information contact: Chet Clarke; TNRCC, RD; (512) 239-0310.*

Industrial Solid and Municipal Hazardous Wastes (24 TXR 7426-36). Final rule of the TNRCC amends regulations under 30 TAC 335.8, .341, .342, .344, .348, and .551 concerning industrial solid waste and municipal hazardous waste to clarify state superfund provisions. The rule conforms to provisions adopted concurrently (24 TXR 7436; 09/17/99) under 30 TAC 350 regarding the Texas Risk Reduction Program. The rule also clarifies the performance requirement for closure of certain waste management facility components, distinguishes the requirements for remediation of unauthorized discharges, and clarifies statutory references addressing potential liability. In addition, the rule defines the applicability of the state risk reduction program to the release or threatened release of hazardous substances, revises definitions, and adds criteria to the delisting of state superfund sites from the state superfund registry. Finally, the rule eliminates references to "baseline risk assessment" in general requirements for remedial investigations and establishes dates by which persons must terminate their use of existing risk reduction provisions for projects in progress. The rule was effective 23 September 1999. *For further information contact: Chet Clarke; TNRCC, RD; (512) 239-0310.*

Texas Risk Reduction Program (24 TXR 7436-7766, 7792-944). Final rule of the TNRCC adopts regulations under a new Chapter 30 TAC 350 to implement the Texas Risk Reduction Program. The program establishes a uniform set of risk-based performance-oriented technical standards to guide response actions at affected properties under the Office of Waste Management and other applicable program areas. The rule sets forth requirements for off-site properties and leased lands, actions when substantial changes in circumstances occur at an affected property, and assessment of property affected by chemicals of concern. The rule also provides protective concentration levels for human and ecological receptors, describes performance of response actions necessary to restore a property to

active and productive use, and specifies performance requirements for post-response action care. In addition, the rule establishes provisions governing financial assurance for post-response action care in certain circumstances, reporting requirements, and requirements for facilities operation areas. Finally, the rule outlines provisions concerning investigation of contaminated sites, notification standards, and calculation of site-specific cleanup levels. The rule was effective 23 September 1999. *For further information contact: Chet Clarke; TRNCC, RD; (512) 239-0310.*

Applications (24 TXR 8254-75). Final rule of the TNRCC amends regulations under 30 TAC 50.2, .13, and .31 and adopts regulations under new Sections 30 TAC 50.102 through .145 (nonconsecutive) regarding action on applications. The rule consolidates agency procedural provisions and makes certain processes consistent across agency programs. The rule was effective 23 September 1999. *For further information contact: Margaret Hoffman; TNRCC; (512) 239-1932.*

Contested Case Hearings (24 TXR 8276-293). Final rule of the TNRCC amends regulations under 30 TAC 80.1 through .271 (nonconsecutive), repeals regulations under 30 TAC 80.7 through .215 (nonconsecutive), and adopts regulations under new Sections 30 TAC 80.4, .6, .152, .252, and .272 regarding contested case hearings. The rule establishes and clarifies the applicability of notice provisions and provides for public participation in the permitting process for water, waste, and air applications. The rule also updates notice rules for air quality permit amendments, revises the public comment and contested case hearing process, consolidates agency procedural provisions, and makes certain processes consistent across agency programs. Relevant provisions of the rule have been submitted to U.S. EPA as a revision to the SIP for air quality permitting actions. The rule was effective 23 September 1999. *For further information contact: Margaret Hoffman; TNRCC; (512) 239-1932.*

Public Notice/Permits by Rule (24 TXR 8293-6). Final rule of the TNRCC amends regulations under 30 TAC 106.5 and .13 regarding public notice and permits by rule. The rule applies previous provisions pertaining to notice of registrations declared administratively complete before 1 September 1999, and current provisions to registrations declared complete after that date. The rule also replaces public notice procedures with a regulatory incorporation by reference and specifies that exemptions from permitting are considered permits by rule. Relevant portions of the rule have been submitted to U.S. EPA for approval as revisions to the air pollution control SIP. The rule was effective 23 September 1999. *For further information contact: Margaret Hoffman; TNRCC; (512) 239-1932.*

Permits for New Construction/Modifications (24 TXR 8296-307). Final rule of the TNRCC amends regulations under 30 TAC 116.111, .114, .116, .183, .312, and .740 and repeals regulations under 30 TAC 116.124 regarding the control of air pollution by permits for new construction or modifications. The rule establishes and clarifies the applicability of notice provisions and provides for public participation in the permitting process for air applications. The rule also updates notice rules for air quality permit amendments, consolidates agency procedural rules, and makes certain processes consistent across agency programs. The provisions have been submitted to U.S. EPA as a revision to the SIP. The rule was effective 23 September 1999. *For further information contact: Margaret Hoffman; TNRCC; (512) 239-1932.*

Federal Operating Permits (24 TXR 8307-9). Final rule of the TNRCC amends regulations under 30 TAC 122.320 to update public notice rules for federal operating permits. The rule also consolidates agency procedural provisions and makes certain processes consistent across agency programs. The rule was effective 23 September 1999. *For further information contact: Margaret Hoffman; TNRCC; (512) 239-1932.*

Permit Renewal (24 TXR 8309-12). Final rule of the TNRCC amends regulations under 30 TAC 305.63 and adopts regulations under a new Section 30 TAC 305.65 regarding permit renewal. The rule authorizes the commission to renew permits and act on applications under certain conditions without providing an opportunity for a contested case hearing. The rule also calls for the commission to provide the opportunity for a contested case hearing if it determines that an applicant's compliance history for the preceding five years raises questions regarding an ability to comply with the terms of the permit. In addition, the rule applies provisions of the new regulations to applications filed on or after 1 September 1999. The rule was effective 23 September 1999. *For further information contact: Margaret Hoffman; TNRCC; (512) 239-1932.*

STATE PROPOSED RULES

Emissions Banking and Trading (24 TXR 7137-44, 7289-91). Proposed rule of the TNRCC would adopt regulations under new Sections 30 TAC 101.330 through .337 regarding emissions banking and trading of allowances for grandfathered electric generating facilities (EGFs). The proposal would set forth definitions, establish the applicability of banking and trading allowances, and outline general provisions. The proposal also would describe the methods by which allowances for permitted EGFs are calculated and determined, implement requirements concerning the transfer of allowances, and set forth procedures for the banking of allowances. In addition, the

proposal would provide compliance demonstration methods and allow facilities in the El Paso Region to meet emission allowances using credits from the City of Juarez in the United States and Mexico. The proposal will be submitted to U.S. EPA as a revision to the SIP. *For further information contact: Beecher Cameron; TNRCC, Policy and Regulations Division (PRD); (512) 239-1495.*

VOCs/Gasoline Terminals and Bulk Plants (24 TXR 7144-8, 7308-9). Proposed rule of the TNRCC would amend regulations under 30 TAC 115.211, .212, and .219 regarding the loading and unloading of VOCs for gasoline terminals and bulk plants. The proposal would eliminate emission specifications and delete the requirement to equip gasoline terminals with sensors and other monitoring equipment in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston ozone nonattainment areas and 95 specified eastern counties. The proposal also would revise references. *For further information contact: Eddie Mack; TNRCC, Office of Environmental Policy, Analysis, and Assessment (OEPA); (512) 239-1488.*

Voluntary Emission Reduction Permit Program (24 TXR 7148-56, 7160-3). Proposed rule of the TNRCC would adopt regulations under new Sections 30 TAC 116.810 through .870 (nonconsecutive) concerning voluntary emission reduction permits (VERP). The proposal would outline eligibility, set forth procedures for VERP application, and describe project emission reduction credits. The proposal also would establish an application review schedule, provide general and special conditions, and describe modifications. In addition, the proposal would set forth public participation and notice and comment hearing procedures for initial issuance, outline procedures for notice of final action, implement fees, and describe requirements for renewal. The proposal will be submitted to U.S. EPA as a revision to the SIP. *For further information contact: Beecher Cameron; TNRCC, PRD; (512) 239-1495.*

Voluntary Emission Reduction Permit Program (24 TXR 7148-57). Proposed rule of the TNRCC would adopt regulations under a new Section 30 TAC 116.16 concerning definitions for the voluntary emission reduction permit program. The proposal would set forth definitions for "airshed" and "excessive emissions." The proposal will be submitted to U.S. EPA as a revision to the SIP. *For further information contact: Beecher Cameron; TNRCC, PRD; (512) 239-1495.*

Voluntary Emission Reduction Permit Program (24 TXR 7148-60). Proposed rule of the TNRCC would adopt regulations under new Sections 30 TAC 116.601 through .606 and amend regulations under 30 TAC 116.610, .611, and .614 concerning standard permits for the voluntary emission reduction permit program. The proposal would set forth types of permits, establish requirements for the issuance of standard permits, and outline the duration and renewal of registrations. The proposal also would describe standard permit amendment and revocation, set forth delegation, and revise applicability standards. In addition, the proposal would update procedures for registration to use a standard permit and revise fees. The proposal will be submitted to U.S. EPA as a revision to the SIP. *For further information contact: Beecher Cameron; TNRCC, PRD; (512) 239-1495.*

Facility and Disposal Fee (24 TXR 7176-8). Proposed rule of the TNRCC would amend regulations under 30 TAC 335.324 concerning hazardous waste generation, facility, and disposal fee assessment. The proposal would decrease the annual facility fee for unbuilt Class I industrial solid waste or hazardous waste facilities. The proposal also would set forth applicability. *For further information contact: Wayne Lee; TNRCC, OEPA; (512) 239-6815.*

Hazardous Chemicals (24 TXR 8094-108, 8350). Proposed rule of the Texas Department of Health (TDH) would amend regulations under 25 TAC 295.181, .182, and .183 to set forth hazardous chemicals reporting requirements for manufacturing and nonmanufacturing facilities and public employers. The proposal also would revise procedures for complaints and investigations, outline the assessment of administrative penalties, and set forth filing fees. In addition, the proposal would clarify the difference between the three types of Tier Two forms, establish standards for their submission, and clarify direct citizen access to chemical information. Finally, the proposal would update incorporations by reference to federal and state standards, add and revise definitions, and make editorial corrections. *For further information contact: Claren Kotrla; TDH, Toxic Substances Control Division; (512) 834-6603.*

Oil Filter Recycling (24 TXR 8139-43). Proposed rule of the TNRCC would repeal and readopt regulations under 30 TAC 328.21 through .28 and repeal regulations under 30 TAC 328.29 and .30 regarding oil filter recycling. The proposal would reduce registration and reporting requirements for transporters and transfer facilities, storage facilities, and processors; increase allowed storage time; and authorize the commission to grant two-year variances on storage volume and storage period limits. The proposal also would eliminate requirements for secondary containment at storage facilities, transporter spill kits, processing standards, processor determination of environmental risk in the storage of byproducts of the processing of used oil filters; all collection center requirements; and all container labeling requirements, except for processors. *For further information contact: Jamie Robinson; TNRCC, Registration and Evaluation Division; (512) 239-3619.*

STATE NOTICES

Public Notice (24 TXR 8147). Notice of the TNRCC announces the withdrawal of a portion of a proposed rule (24 TXR 5303; 07/16/99) that would amend regulations under 30 TAC 39.1 through .301 (nonconsecutive), repeal regulations under 30 TAC 39.401, and adopt regulations under new Sections 30 TAC 39.302 through .713 (nonconsecutive) regarding public notice. The proposal would clarify the applicability of existing notice provisions and correct, clarify, and update provisions pertaining to notices regarding air quality applications and the permit amendment process. The proposal will be submitted to U.S. EPA as a revision to the SIP. The withdrawn portion affects provisions under 30 TAC 39.301. The withdrawal was effective 3 September 1999. *For further information contact: Margaret Hoffman; TNRCC, Environmental Law Division; (512) 239-1932.*

Contested Case Hearings (24 TXR 8147). Notice of the TNRCC announces the withdrawal of a portion of a proposed rule (24 TXR 5376; 09/16/99) that would amend regulations under 30 TAC 80.1 through .271 (nonconsecutive), repeal regulations under 80.7 through .215 (nonconsecutive), and adopt regulations under new Sections 30 TAC 80.4, .6, .152, .252, and .272 regarding contested case hearings. The proposal would establish and clarify the applicability of notice provisions and provide avenues for public participation in the permitting process for water, waste, and air applications. The proposal also would update notice rules for air quality permit amendments, revise the public comment and contested case hearing process, consolidate agency procedural provisions, and make certain processes consistent across agency programs. The proposal will be submitted to U.S. EPA as a revision to the SIP for air quality permitting actions. The withdrawn portion affects proposed new provisions under 30 TAC 80.137. The withdrawal was effective 3 September 1999. *For further information contact: Margaret Hoffman; TNRCC; (512) 239-1932.*

Permits for New Construction/Modification (24 TXR 8148). Notice of the TNRCC announces the withdrawal of a portion of a proposed rule (24 TXR 5427; 07/16/99) that would amend regulations under 30 TAC 116.111, .114, .116, .183, .312, and .740 and repeal regulations under .124 through .137 (nonconsecutive) regarding the control of air pollution by permits for new construction or modification. The proposal would establish and clarify the applicability of notice provision and provide avenues for public participation in the permitting process for air applications. The proposal also would update notice rules for air quality permit amendments, consolidate agency procedural rules, and make certain processes consistent across agency programs. The proposal will be submitted to U.S. EPA as a revision to the SIP. The withdrawn portion affects the proposed repeal of regulations under 30 TAC 116.130 through .137 (nonconsecutive). The withdrawal was effective 3 September 1999. *For further information contact: Margaret Hoffman; TNRCC; (512) 239-1932.*

Public Notice/Environmental Permitting (24 TXR 8190-254). Final rule of the TNRCC amends regulations under 30 TAC 39.1 through .253 (nonconsecutive), repeals regulations under TAC 39.401, and adopts regulations under new Sections TAC 39.302 through .713 (nonconsecutive) regarding public notice of environmental permitting proceedings. The rule clarifies the applicability of notice provisions and corrects, clarifies, and updates provisions pertaining to notices regarding license applications and the permit amendment process for solid waste, water quality, air quality, radioactive material, injection wells, and consolidated programs. Relevant provisions of the rule have been submitted to U.S. EPA as a revision to the SIP for air quality permitting actions. The rule was effective 23 September 1999. *For further information contact: Margaret Hoffman; TNRCC; (512) 239-1932.*

(NOTE: Current TNRCC regulatory information, including proposals, adoptions, and a rules tracking log, is available on TNRCC's web site at <http://www.tnrcc.state.tx.us>.)

REGION VII STATE ACTIVITY

IOWA

State Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the Iowa Department of Natural Resources (IDNR) and its various programs, including a status report on proposed rules, draft rules, adopted rules awaiting publication, and recently adopted rules, is available on IDNR's web site at <http://www.state.ia.us/government/dnr/index.html>.)

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE FINAL RULES

Asbestos Control (18 KSR 1353-64). Final rule of the Kansas Department of Health and Environment (KDHE) amends regulations under KAR 28-50-1 through -14 (nonconsecutive) and repeals regulations under KAR 28-50-4 and -7 regarding asbestos control. The rule extends U.S. EPA training requirements to include abatement projects conducted in public and commercial buildings, exempts demolition abatement in residences unless the properties are subject to U.S. EPA requirements, and increases the amount of asbestos-containing materials that are subject to the provisions to coincide with Occupational Safety and Health Administration (OSHA) standards. The rule also implements recent federal occupational safety and health policy changes regarding respirators and filters, describes when abatement activities are subject to licensing, revises provisions pertaining to types and approval of respirators, increases the cost of the asbestos Class I and II worker certification, and revises training requirements in accordance with U.S. EPA's amended Asbestos Model Accreditation Plan. In addition, the rule deletes an examination requirement for Class II certification, reduces the project notification evaluation fee for certain projects, aligns the collection of fees with the amount of revenue necessary for administration of the program, and incorporates federal standards pertaining to work practice procedures. Finally, the rule deletes requirements that the waste generator obtain authorization from the department prior to disposing of friable materials in state-licensed landfills, deletes redundant provisions, and makes technical and editorial changes. The rule was effective 1 October 1999. *For further information contact: Russell Brichacek; KDHE; (785) 296-1544.*

Composting Operations (18 KSR 1345-53). Final rule of the KDHE amends regulations under KAR 28-29-3 and adopts regulations under new Sections KAR 28-29-25a through -25f to protect the quality of surface waters and ground water and control the odors from composting operations. The rule adds and revises definitions; establishes registration and permitting requirements for facilities with a composting area of one-half acre or less; and sets forth facility design, operation, and closure standards. The rule affects yard waste composting sites, manure composting, dead animal composting, source-separated organic waste composting, and solid waste composting. The rule was effective 1 October 1999. *For further information contact: Christine Mennicke; KDHE, Bureau of Waste Management; (785) 296-0724.*

(NOTE: General information regarding the KDHE and its various programs, including access to rules and regulations, is available on KDHE's web site at <http://www.kdhe.state.ks.us>.)

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE FINAL RULES

New Source Performance Standards (NSPSs) (24 MOR 2239-40). Final rule of the Missouri Department of Natural Resources (MDNR), Air Conservation Commission (ACC), amends regulations under 10 MCSR 10-6.070 regarding NSPSs to update incorporations by reference of federal standards under 40 CFR Part 60 as of 31 December 1997. The rule also updates previously adopted NSPSs. The rule was effective 30 October 1999. *For further information contact: Roger Randolph; MDNR, Air Pollution Control Program (APCP); (573) 751-4817.*

MACT Standards (24 MOR 2240). Final rule of the MDNR, ACC, amends regulations under 10 MCSR 10-6.075 regarding MACT to update incorporations by reference of federal standards under 40 CFR Part 63 as of 31 December 1997. The rule also updates previously adopted NESHAPs. The rule was effective 30 October 1999. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

NESHAPs (24 MOR 2240). Final rule of the MDNR, ACC, amends regulations under 10 MCSR 10-6.080 regarding NESHAPs. The rule updates incorporations by reference of 40 CFR Part 61 as of 31 December 1997. The rule also updates previously adopted NESHAPs. The rule was effective 30 October 1999. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

STATE PROPOSED RULES

Open Burning Restrictions (24 MOR 2224-5). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-5.070 regarding open burning restrictions. The proposal would revise provisions to allow the

open burning of household refuse in areas outside of incorporated municipalities in Franklin County. The proposal also would specify that open burning would not be permitted on the days between 1 May and 30 September that are projected to exceed the NAAQSs for ozone. In addition, the proposal would list the types of household refuse that cannot be burned. *For further information contact: MDNR, APCP; (573) 751-4817.*

NSPSs (24 MOR 2226). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-6.070 to incorporate by reference NSPSs under 40 CFR Part 60 as of 31 December 1998. The proposal also would update previously adopted NSPSs. *For further information contact: Roger Randolph, MDNR, Air Pollution Program: (573) 751-4817.*

MACT (24 MOR 2226-7). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-6.075 regarding MACT standards. The proposal would adopt by reference NESHAPs under 40 CFR Part 63 as of 31 December 1998. The proposal also would update previously adopted NESHAPs. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

Sampling and Reference Methods (24 MOR 2230). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-6.080 to incorporate by reference the federal standards under 40 CFR Part 61 as of 31 December 1998. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

(NOTE: General information regarding the MDNR and its various programs is available on MDNR's web site at <http://www.dnr.state.mo.us/homednr.htm>.)

NEBRASKA

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Next regular session begins in January 2000.)

STATE REGULATORY ACTIVITY

Notice of Public Hearing. A meeting and public hearings will be conducted before the Nebraska Environmental Quality Council (NEQC) on 3 December 1999 at the Cornhusker Hotel in Lincoln, Nebraska. The hearings will pertain to the following:

- (1) **Amendments to Title 197—Rules and Regulations for the Certification of Wastewater Treatment Facility Operators in Nebraska.** A new version of these regulations is being proposed with extensive revisions to the existing regulations. Attachment C is a fee schedule and includes fee increases for several categories. The NEQC may make minor changes to the proposed amendments, including fees. The NEQC will vote to adopt, amend or modify the NDEQ proposal after hearing all of the testimony.
- (2) **Amendments to Title 132—Integrated Solid Waste Management Regulations.** The NEQC may make minor changes to the proposed amendments. The NEQC will vote to adopt, amend, or modify the proposal after hearing all of the testimony.
- (3) **Petition Filed Pursuant to Title 115—Rules of Practice and Procedures, Chapter 10.** A rulemaking petition has been filed with the NEQC requesting the NEQC to amend Title 129—Nebraska Air Quality Regulations, Chapter 4, to remove a requirement that the Nebraska Department of Environmental Quality (NDEQ) provide a reasonable opportunity to any source causing or contributing to a violation of the total reduced sulfur standard to develop and implement a plan to eliminate the violation prior to taking an enforcement action. NEQC action will be limited to whether or not to initiate rulemaking proceedings.

For further information contact: NEQC; (402) 471-2186.

(NOTE: General information regarding the NDEQ and its various programs, including access to rules and regulations, is available on NDEQ's web site at <http://www.deq.state.ne.us>.)

The Central Region Review is prepared by Versar, Inc., in support of the CREO, to assist you in your compliance efforts. Questions regarding this document should be directed to Ms. Marsha Brustad, CREO Environmental Specialist, at (816) 983-3444 or fax at (816) 426-7414. Legal questions should be directed to Mr. G.T. Zolyak, Regional Counsel, at (410) 436-1275 or fax at (410) 436-1670. Current and past issues of CREO regulatory updates are available on the Internet at <http://aec.army.mil/> under "Regional Offices."



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